



5. Trooper Grainger denies seeing anyone deploy OC spray. Trooper Grainger lacks sufficient knowledge and information to admit or deny the remaining allegations contained in this paragraph, and the same are therefore denied.

6. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

7. Trooper Grainger admits that he used his “taser” stun gun on Mr. Parker while inside the Wayne County Detention Center. He further admits that he witnessed Wayne County detention officers use physical force in an effort to gain and maintain control of Mr. Parker. Trooper Grainger denies seeing anyone deploy OC spray and denies that any Defendant attempting to “hog tie” Mr. Parker. Otherwise, Trooper Grainger lacks sufficient knowledge and information to admit or deny the remaining allegations contained in this paragraph, and the same are therefore denied.

8. Trooper Grainger admits that he was present and witnessed Wayne County detention officers use physical force on Mr. Parker in an effort to gain and maintain control of him. He also admits that he used his “taser” stun gun in drive stun mode, and deployed two electric barbs on Mr. Parker while inside the Wayne County Detention Center. Trooper Grainger specifically denies that he stated: “knock him out”. Except as specifically admitted, Trooper Grainger lacks sufficient knowledge and information to admit or deny the remaining allegations contained in this paragraph, and the same are therefore denied.

9. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

10. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

11. It is admitted, upon information and belief, that Plaintiff is the Administratrix of the Estate of Mr. Parker. It is admitted that Plaintiff brings this civil action pursuant to the legal authorities cited in this paragraph and alleges a variety of causes of actions as stated therein. However, Trooper Grainger specifically denies that he is liable to Plaintiff for any reason under any legal theory. Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

12. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, it is admitted that Plaintiff brings this civil action pursuant to the legal authorities cited in this paragraph and alleges a variety of causes of actions as stated therein. Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

13. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, it is admitted that Plaintiff brings this civil action pursuant to the legal authorities cited therein and alleges a variety of causes of actions as stated therein. Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

14. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, it is admitted that Plaintiff brings this civil action pursuant to the legal authorities cited therein and alleges a variety of causes of actions as stated therein. Trooper Grainger lacks sufficient knowledge and

information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

15. It is admitted that Plaintiff seeks to recover certain categories of damages from the defendants based on particular legal theories as asserted in this paragraph. However, Trooper Grainger specifically denies that he is liable to Plaintiff for any reason under any legal theory. Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

### **JURISDICTION AND VENUE**

16. It is admitted, upon information and belief, that Plaintiff is the Administratrix of the Estate of Mr. Parker. It is also admitted that Plaintiff asserts causes of action against the defendants for acts and omissions committed under color or state law. However, Trooper Grainger specifically denies that he is liable to Plaintiff for any reason under any legal theory. Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

17. It is admitted that Plaintiff alleges causes of action based the Unites States Constitution and laws of the United States.

18. It is admitted that this Court has original jurisdiction over federal claims pursuant to the authority cited in this paragraph.

19. It is admitted that the authority cited in this paragraph permits this Court to exercise supplemental jurisdiction over claims which arise under state law.

20. It is admitted that the authority cited in this paragraph provides that venue is proper in this district based on the location of the events as alleged in the complaint.

21. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

22. It is admitted that Plaintiff brings this action pursuant to the legal authority cited in this paragraph and seeks to recover damages as stated therein. However, Trooper Grainger specifically denies that he is liable to Plaintiff for any reason under any legal theory.

23. It is admitted that Plaintiff brings this action pursuant to the legal authority cited in this paragraph and seeks to recover damages as stated therein. However, Trooper Grainger specifically denies that he is liable to Plaintiff for any reason under any legal theory.

### **PARTIES**

#### **A. Plaintiff**

24. Admitted, upon information and belief.

25. Admitted, upon information and belief.

26. Admitted, upon information and belief.

27. Admitted, upon information and belief.

28. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

#### **B. Defendants Wayne County, Sheriff Pierce, and Western Surety**

29. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

30. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

31. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

32. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

33. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

34. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

35. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

36. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

37. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

38. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

39. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

40. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

41. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

42. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

43. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper

Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

44. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

45. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

46. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

47. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

48. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.



49. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

50. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

51. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

52. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

53. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

### **C. Individual Defendants**

54. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

55. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

56. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

57. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

58. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

59. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

60. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

61. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

62. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper

Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

63. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

64. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, it is admitted that Plaintiff brings this action against the listed Defendants in the capacity and under the legal authority cited in this paragraph. Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

65. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

66. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

67. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

68. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

69. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

70. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

71. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

72. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

73. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

74. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

75. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

76. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

77. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

78. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, it is admitted that Plaintiff brings this action against the listed Defendants in the capacity and under the legal authority cited in this paragraph. Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

79. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

80. Admitted.

81. Admitted.

82. Admitted.

83. Admitted.

84. It is admitted Plaintiff brings this action against Trooper Grainger in his individual capacity under the legal authority cited in this paragraph. However, Trooper Grainger specifically denies that he is liable to Plaintiff for any reason under any legal theory or capacity.

**D. Defendants Southern Health Partners and Christina M. Driver, LPN**

85. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

86. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

87. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

88. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

89. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

90. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

91. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

92. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

93. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, this paragraph refers to a written document which speaks for itself and Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

94. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

95. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper

Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

96. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

97. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

98. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

99. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

100. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

101. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.



102. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

103. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, it is admitted that Plaintiff brings this action against the listed Defendant in the capacity and under the legal authority cited in this paragraph. Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

104. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

105. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

106. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

107. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

108. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

109. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, it is admitted that Plaintiff asserts a specific cause of action as stated in this paragraph. Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

110. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

111. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

112. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper

Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

113. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

114. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

115. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, it is admitted that Plaintiff asserts a specific cause of action as stated in this paragraph. Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

116. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

117. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

118. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

119. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

120. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

121. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

#### **FACTUAL ALLEGATIONS**

122. Trooper Grainger's responses to the preceding allegations are incorporated herein by reference.

#### **A. Jerry Parker - Background**

123. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore admitted upon information and belief.

124. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore admitted upon information and belief.

125. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore admitted upon information and belief.

126. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore admitted upon information and belief.

127. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

128. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

129. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

130. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

131. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

132. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

133. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

134. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

**B. Mental Health Policies and Training at the Wayne County Detention Center**

135. Admitted, upon information and belief.

136. Admitted, upon information and belief.

137. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

138. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

139. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

140. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

141. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

142. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

143. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

144. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

145. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

146. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

147. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

148. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

149. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

150. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

151. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

152. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

153. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

154. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

155. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

156. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

157. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

158. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

**C. Saturday, May 201, 2017 – Arrest**

159. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

160. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

161. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

162. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

163. Admitted, upon information and belief.

164. Admitted, upon information and belief.

165. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

166. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

167. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

168. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.



169. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

170. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

171. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

172. Admitted, upon information and belief.

173. Admitted, upon information and belief.

174. Admitted, upon information and belief.

175. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

176. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

**D. Saturday, May 20, 2017 – Booking and Admission**

177. Admitted upon information and belief.

178. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

179. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

180. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

181. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

182. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

183. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

184. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

185. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

186. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

187. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

188. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

189. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

190. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

191. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

192. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

193. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

194. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

195. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

196. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

197. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

**E. Saturday, May 20, 2017 – Segregation Cell #011, Day Shift**

198. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

199. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

200. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

201. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

202. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

203. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

204. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

205. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

206. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

207. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

208. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

209. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

210. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

211. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

212. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

213. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

214. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

215. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

216. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

217. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

218. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

219. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

**F. Saturday, May 20, 2017 – Segregation Cell #011, Night Shift**

220. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

221. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

222. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

223. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

224. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

225. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

226. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

227. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

228. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

229. Trooper Grainger denies seeing anyone deploy OC spray. Otherwise, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

230. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

231. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

232. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

233. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

**F. (sic) Saturday, May 20, 2017 – Attack on Parker in the Shower Room**

234. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

235. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

236. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

237. It is admitted that on the evening of May 20, 2017, Trooper Grainger was present at the Wayne County Detention Center with an arrestee when he heard some commotion in the area of the shower room near him. It is also admitted that Trooper Grainger proceeded toward the area and through an open door was able to visually perceive several detention officers and Mr. Parker. Except as specifically admitted, any remaining allegations contained in this paragraph are denied.

238. Denied.

239. Trooper Grainger admits that he was present and witnessed Wayne County detention officers use physical force on Mr. Parker in an effort to gain and maintain control of him. Except as specifically admitted, the remaining allegations contained in this paragraph are denied.

240. Trooper Grainger admits that he would have been in and around the adjoining hall with detention officers. Except as specifically admitted, the remaining allegations contained in this paragraph are denied.

241. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

242. Denied.

243. Trooper Grainger admits that a detention officer carrying a shield, and upon information, that others had OC spray and handcuffs. Except as specifically admitted, Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

244. Trooper Grainger denies seeing anyone deploy OC spray. Otherwise, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

245. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

246. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

247. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

248. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

249. Trooper Grainger admits that a detention officer used a shield in an attempt to maintain control of Mr. Parker by applying his body weight to the shield. Except as specifically admitted, Trooper Grainger lacks sufficient knowledge and information to admit or deny the remaining allegations contained in this paragraph, and the same are therefore denied.

250. Trooper Grainger admits that he was present and witnessed Wayne County detention officers use physical force on Mr. Parker in an effort to gain and maintain control of him. Except as specifically admitted the remaining allegations are therefore denied.

251. It is admitted that Trooper Grainger entered the shower room. Except as specifically admitted the remaining allegations are therefore denied.

252. It is admitted that Trooper Grainger may have attempted to assist the detention officers in applying wrist restraints to Mr. Parker. Except as specifically admitted, Trooper



Grainger lacks sufficient knowledge and information to admit or deny the remaining allegations contained in this paragraph, and the same are therefore denied.

253. It admitted that the detention officers were unable to apply both wrist restraints on Mr. Parker. Except as specifically admitted, Trooper Grainger lacks sufficient knowledge and information to admit or deny the remaining allegations contained in this paragraph, and the same are therefore denied.

254. Trooper Grainger admits that a detention officer used a shield in an attempt to maintain control of Mr. Parker by applying his body weight to the shield. Except as specifically admitted, Trooper Grainger lacks sufficient knowledge and information to admit or deny the remaining allegations contained in this paragraph, and the same are therefore denied.

255. Denied.

256. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

257. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

258. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

259. Trooper Grainger admits that a detention officer used a shield in an attempt to maintain control of Mr. Parker by applying his body weight to the shield. Except as specifically admitted, Trooper Grainger lacks sufficient knowledge and information to admit or deny the remaining allegations contained in this paragraph, and the same are therefore denied.

260. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

261. Trooper Grainger admits that he was present and witnessed Wayne County detention officers use physical force on Mr. Parker in an effort to gain and maintain control of him. Trooper Grainger specifically denies applying any hands-on physical force on Mr. Parker. Trooper Grainger lacks sufficient knowledge and information to admit or deny the remaining allegations contained in this paragraph, and the same are therefore denied.

262. Trooper Grainger admits that he recommended a variety of techniques to the detention officers to aide their efforts in gaining and maintaining control of Mr. Parker. He further admits that the detention officers, at times, seemed to not be able to properly deploy some of the recommended techniques. Except as specifically admitted, Trooper Grainger lacks sufficient knowledge and information to admit or deny the remaining allegations contained in this paragraph, and the same are therefore denied.

263. Trooper Grainger admits that he used his taser in “drive stun” mode on Mr. Parker’s thigh. Except as specifically admitted, Trooper Grainger lacks sufficient knowledge and information to admit or deny the remaining allegations contained in this paragraph, and the same are therefore denied.

264. Trooper Grainger admits that his use of the taser in “drive stun” mode did not render Mr. Parker unconscious. Trooper Grainger also admits that he advised the detention officers to clear themselves from Mr. Parker. Except as specifically admitted, Trooper Grainger lacks sufficient knowledge and information to admit or deny the remaining allegations contained in this paragraph, and the same are therefore denied.

265. Trooper Grainger admits that he deployed a barb from his taser which made contact with Mr. Parker’s abdomen area. Except as specifically admitted, Trooper Grainger lacks sufficient

knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

266. Trooper Grainger admits that he deployed a second barb from his taser which made contact with Mr. Parker. Except as specifically admitted, Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

267. Trooper Grainger admits that Mr. Parker was sufficiently affected by the second barb such that detention officers were able to finish restraining him. Except as specifically admitted, Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

268. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

269. Trooper Grainger admits to being alone with Mr. Parker, who was naked, for a period of time. Except as specifically admitted, Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

270. Trooper Grainger admits that he noticed Mr. Parker's lips begin to turn blue and was unresponsive. Except as specifically admitted, Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

271. Trooper Grainger admits that he advised the detention officers to secure medical staff to come attend to Mr. Parker. Except as specifically admitted, Trooper Grainger lacks

sufficient knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

272. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

273. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

274. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

275. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

276. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

277. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

278. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

279. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

#### **G. Jerry Parker's Death**

280. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

281. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

282. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

283. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

284. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

285. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

**FIRST CLAIM FOR RELIEF:**  
**DELIBERATE INDIFFERENCE**  
**TO SERIOUS MEDICAL NEEDS**  
**BY INDIVIDUAL DEFENDANTS**

286. Trooper Grainger's responses to the preceding allegations are incorporated herein by reference.

287. Admitted, upon information and belief.

288. Admitted, upon information and belief.

289. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

290. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

291. Denied.

292. Denied.

293. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

**A. Defendant Christina M. Driver, LPN**

294. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

295. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

296. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

297. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

298. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

299. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper

Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

300. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

301. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

302. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

303. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

**B. Defendants Sparks, Narron, Santagata, and Garner.**

304. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

305. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

306. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

307. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

308. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

309. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

310. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a



response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

311. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

312. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

**C. Defendants Lee, Woodall, Arias, Hines, Neal, and Grainger**

313. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

314. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

315. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

316. Trooper Grainger admits that he directly observed Mr. Parker in the shower area sometime on the evening of May 20, 2017. Except as specifically admitted, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

317. Denied.

318. Denied.

319. Denied.

320. Denied.

321. Denied.

322. This paragraph asserts a legal conclusion, to which a response is not required. To the extent a response is required, denied.

323. This paragraph asserts a legal conclusion, to which a response is not required. To the extent a response is required, denied.

324. This paragraph asserts a legal conclusion, to which a response is not required. To the extent a response is required, denied.

325. This paragraph asserts a legal conclusion, to which a response is not required. To the extent a response is required, denied.

**SECOND CLAIM FOR RELIEF**  
**EXCESSIVE USE OF FORCE BY DEFENDANTS**  
**LEE, WOODALL, ARIAS, HINES, NEAL, AND GRAINGER**

326. Trooper Grainger's responses to the preceding allegations are incorporated herein by reference.

327. Admitted, upon information and belief.

328. This paragraph asserts a legal conclusion, to which a response is not required. To the extent a response is required, denied.

329. Trooper Grainger denies that he used any unreasonable force against Mr. Parker.

- a. This subparagraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger admits that he witnessed Wayne County detention officers use physical force in an effort to gain and maintain control of Mr. Parker. Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this subparagraph, and the same are therefore denied.
- b. This subparagraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger admits that he witnessed Wayne County detention officers use physical force in an effort to gain and maintain control of Mr. Parker. Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this subparagraph, and the same are therefore denied.
- c. This subparagraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger denies seeing anyone deploy OC spray. Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this subparagraph, and the same are therefore denied.
- d. This subparagraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger admits that a detention officer used a shield in an attempt to maintain control of Mr. Parker by applying his body weight to the shield. Otherwise, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this subparagraph, and the same are therefore denied.
- e. This subparagraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger admits that he witnessed Wayne County detention officers use physical force and at least one such officer use a shield by applying his body weight to the shield in an effort to gain and maintain control of Mr. Parker. Otherwise, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this subparagraph, and the same are therefore denied.

- f. Trooper Grainger denies that he attempted to “hog-tie” Mr. Parker. Trooper Grainger admits that he witnessed Wayne County detention officers attempt to applying wrist and leg restraints upon Mr. Parker. Otherwise, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this subparagraph, and the same are therefore denied.
- g. Trooper Grainger denies applying any hands-on physical force on Mr. Parker. He admits that he witnessed Wayne County detention officers use physical force and at least one such officer use a shield by applying his body weight to the shield in an effort to gain and maintain control of Mr. Parker. Otherwise, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this subparagraph, and the same are therefore denied.
- h. This subparagraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger admits that he witnessed Wayne County detention officers use physical force in an effort to gain and maintain control of Mr. Parker. Trooper Grainger denies witnessing anyone attempt to “hog-tie” Mr. Parker. Otherwise, Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this subparagraph, and the same are therefore denied.
- i. This subparagraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger admits that he witnessed Wayne County detention officers use physical force in an effort to gain and maintain control of Mr. Parker. Trooper Grainger lacks sufficient knowledge and information to admit or deny the remaining allegations contained in this subparagraph, and the same are therefore denied.
- j. This subparagraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger admits that he witnessed Wayne County detention officers use physical force in an effort to gain and maintain control of Mr. Parker. Trooper Grainger lacks sufficient knowledge and information to admit or deny the remaining allegations contained in this subparagraph, and the same are therefore denied.
- k. This subparagraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger denies seeing any Wayne County detention officer use a taser. Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this subparagraph, and the same are therefore denied.

- l. This subparagraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger admits that he witnessed Wayne County detention officers use physical force in an effort to gain and maintain control of Mr. Parker. Trooper Grainger lacks sufficient knowledge and information to admit or deny the remaining allegations contained in this subparagraph, and the same are therefore denied.
- m. This subparagraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger denies witnessing any Wayne County detention officer apply a chokehold on Mr. Parker. Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this subparagraph, and the same are therefore denied.
- n. Trooper Grainger admits that he used his taser stun gun in “drive stun” mode on Mr. Parker after he was involved in some use of force. However, Trooper Grainger denies that Mr. Parker was completely restrained at this time. Any remaining allegations contained in this subparagraph are denied.
- o. Trooper Grainger admits that he deployed two electric barbs on Mr. Parker. Any remaining allegations contained in this subparagraph are denied.

330. Trooper Grainger specifically denies that his actions resulted in Mr. Parker’s death or that he is liable to Plaintiff for any reason under any legal theory. Trooper Grainger lacks sufficient knowledge and information to admit or deny any remaining allegations contained in this paragraph, and the same are therefore denied.

331. Denied.

332. Denied.

333. Denied.

334. Denied.

335. Denied.

336. This paragraph asserts a legal conclusion, to which a response is not required. To the extent a response is required, denied.

337. Trooper Grainger admits that he witnessed Wayne County detention officers use physical force in an effort to gain and maintain control of Mr. Parker. Except as specifically admitted, the remaining allegations contained in this paragraph are denied.

338. This paragraph asserts a legal conclusion, to which a response is not required. To the extent a response is required, denied.

339. This paragraph asserts a legal conclusion, to which a response is not required. To the extent a response is required, denied.

340. This paragraph asserts a legal conclusion, to which a response is not required. To the extent a response is required, denied.

**THIRD CLAIM FOR RELIEF**  
**POLICY OR CUSTOM OF DELIBERATE INDIFFERENCE**  
**TO SERIOUSLY MEDICAL NEEDS BY DEFENDANTS**  
**WAYNE COUNTY, SHERIFF PIERCE, AND**  
**SOUTHERN HEALTH PARTNERS**

341. Trooper Grainger's responses to the preceding allegations are incorporated herein by reference.

342. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

343. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

344. This paragraph, including subparagraphs a. through g., do not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

**A. Defendant Wayne County**

345. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

346. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

347. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

348. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

**B. Defendant Sheriff Pierce**

349. This paragraph, including subparagraphs a. through f., do not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

350. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

351. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

352. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

353. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

354. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a



response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

355. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

356. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

357. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

### **C. Defendant Southern Health Partners**

358. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

359. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

360. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

361. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

362. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

363. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

364. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

365. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a

response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

**Alternative Claim for *Respondeat Superior* Liability**

366. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

367. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

368. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

369. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

**FOURTH CLAIM FOR RELIEF**  
**POLICY OR CUSTOM OF DELIBERATE INDIFFERENCE**  
**TO THE INADEQUATE TRAINING OF DETENTION OFFICERS**  
**ON THE RISK OF POSITIONAL ASPHYXIA**  
**BY DEFENDANT SHERIFF PIERCE**

370. Trooper Grainger's responses to the preceding allegations are incorporated herein by reference.

371. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

372. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

373. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

374. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

375. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

376. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

377. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a

response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

378. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

379. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

380. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

**FIFTH CLAIM FOR RELIEF**  
**ACTION ON OFFICE BOND AGAINST**  
**DEFENDANT SHERIFF PIERCE AND WESTERN SURETY**

381. Trooper Grainger's responses to the preceding allegations are incorporated herein by reference.

382. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted upon information and belief.

383. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted upon information and belief.

384. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted upon information and belief.

385. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

386. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

387. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

388. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

389. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

**SIXTH CLAIM FOR RELIEF**  
**MEDICAL MALPRACTICE BY DEFENDANTS**  
**SOUTHERN HEALTH PARTNERS AND DRIVER**

390. Trooper Grainger's responses to the preceding allegations are incorporated herein by reference.

391. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, admitted, upon information and belief.

392. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

393. This paragraph does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

394. This paragraph, including subparagraphs a. through d., assert legal conclusions and do not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and

information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

395. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

396. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

397. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

### **DAMAGES**

398. This paragraph asserts a legal conclusion, thus no response from him is required. To the extent a response is required, Trooper Grainger specifically denies that he is liable to Plaintiff for any reason under any legal theory. Any remaining allegations directed at Trooper Grainger are denied.

399. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

400. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.



401. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

402. This paragraph asserts a legal conclusion, thus no response from him is required. To the extent a response is required, Trooper Grainger specifically denies that he is liable to Plaintiff for any reason under any legal theory. Any remaining allegations directed at Trooper Grainger are denied.

403. This paragraph asserts a legal conclusion, thus no response from him is required. To the extent a response is required, Trooper Grainger specifically denies that he is liable to Plaintiff for any reason under any legal theory. Any remaining allegations directed at Trooper Grainger are denied.

404. Trooper Grainger specifically denies that he is liable to Plaintiff for any reason under any legal theory. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

405. Admitted, upon information and belief.

406. Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

407. This paragraph asserts a legal conclusion, thus no response from him is required. To the extent a response is required, Trooper Grainger specifically denies that he is liable to Plaintiff for any reason under any legal theory. Any remaining allegations directed at Trooper Grainger are denied.

408. This paragraph asserts a legal conclusion, thus no response from him is required. To the extent a response is required, Trooper Grainger specifically denies that he is liable to

Plaintiff for any reason under any legal theory. Any remaining allegations directed at Trooper Grainger are denied.

409. This paragraph asserts a legal conclusion, thus no response from him is required. To the extent a response is required, Trooper Grainger specifically denies that he is liable to Plaintiff for any reason under any legal theory. Any remaining allegations directed at Trooper Grainger are denied.

410. This paragraph asserts a legal conclusion, thus no response from him is required. To the extent a response is required, Trooper Grainger specifically denies that he is liable to Plaintiff for any reason under any legal theory. Any remaining allegations directed at Trooper Grainger are denied.

411. This paragraph asserts a legal conclusion, thus no response from him is required. To the extent a response is required, Trooper Grainger specifically denies that he is liable to Plaintiff for any reason under any legal theory. Any remaining allegations directed at Trooper Grainger are denied.

412. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

413. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

414. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

415. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

416. This paragraph asserts a legal conclusion and does not contain any factual allegations directed at Trooper Grainger, thus no response from him is required. To the extent a response is required, Trooper Grainger specifically denies that he is liable to Plaintiff for any reason under any legal theory and he lacks sufficient knowledge and information to admit or deny the allegations contained in this paragraph, and the same are therefore denied.

**ANY AND ALL OTHER ALLEGATIONS MADE IN PLAINTIFF'S AMENDED COMPLAINT, INCLUDING THE RELIEF REQUESTED, EXCEPT AS SPECIFICALLY ADMITTED ABOVE, ARE HEREBY DENIED. FURTHER ANSWERING THE AMENDED COMPLAINT OF THE PLAINTIFF AND AS FURTHER DEFENSES THERETO, TROOPER GRAINGER AVERS:**

**FIRST DEFENSE**

This Court lacks subject matter jurisdiction over Plaintiff's claims to the extent they allege negligent acts committed by Trooper Grainger, as a state employee, while acting within the course and scope of his employment with the North Carolina Department of Public Safety and the North Carolina State Highway Patrol.

**SECOND DEFENSE**

Plaintiff's Amended Complaint fails to allege sufficient facts to state a claim for punitive damages against Trooper Grainger, and he pleads such failure in bar of any claim against him for punitive damages.

### **THIRD DEFENSE**

Qualified immunity shields Trooper Grainger in his individual capacity from Plaintiff's claims against him for monetary damages as Trooper Grainger did not violate any clearly established constitutional rights of which a reasonable person would have known.

### **FOURTH DEFENSE**

Trooper Grainger pleads all other immunities to which he may be entitled, including, but not limited to, governmental immunity, sovereign immunity, good-faith immunity, and/or public officer's immunity as defenses.

### **FIFTH DEFENSE**

The death of Mr. Parker, for which recovery is sought in this action, may have been caused or contributed to by his own negligence, in that he had a duty to exercise reasonable care for his own safety and well-being, failed to do so, and as a direct and proximate result of such failure, contributed in whole or in part to the injury of which Plaintiff now complains. Trooper Grainger pleads the contributory negligence of Plaintiff's-Decedent, Mr. Parker, in bar of Plaintiff's claims against him.

### **SIXTH DEFENSE**

At all times relevant to the matters set forth in the Amended Complaint, Trooper Grainger, acted reasonably, in good faith, and complied with all pertinent constitutional, statutory and regulatory authority, all of which are pled as a complete defense to Plaintiff's claims asserted against him in this action.

#### **SEVENTH DEFENSE**

No act or failure to act by Trooper Grainger was the proximate cause of the injuries, death, or damages, if any, complained of by Plaintiff.

#### **EIGHTH DEFENSE**

Trooper Grainger contends that, if the jury should find that any other Defendant breached any duty of reasonable care applicable to it in connection with the medical care provided to Mr. Parker as alleged in the Amended Complaint, then any such breach was a proximate cause of the injuries complained of by Plaintiff and thereby interrupted any causal relationship between any alleged – but denied – constitutional violations by Trooper Grainger. Trooper Grainger pleads such intervening and superseding negligence as a complete bar against any recovery by Plaintiff from him in this matter.

#### **NINTH DEFENSE**

Damages, if any, which Plaintiff seeks, and for which Trooper Grainger may become liable, were the result of the intervening and/or superseding acts and/or omissions of other Defendants or third parties over whom Trooper Grainger exercised no control or right of control and for whose actions he is not liable.

#### **TENTH DEFENSE**

Without admitting any liability herein, should liability be found against Trooper Grainger, any such liability, would be passive and secondary to the alleged acts and/or omissions the other Defendants, which was active and primary.

#### **ELEVENTH DEFENSE**

Without admitting any liability herein, should liability be found against Trooper Grainger, he is entitled to and hereby demands contribution from all other Defendants, to the extent permitted pursuant N.C.G.S. § 1B.

**TWELFTH DEFENSE**

Trooper Grainger incorporates and adopts by reference any and all other and/or additional defenses, raised or to be raised by any other party, except to the extent that they would impose liability on him, and expressly reserves the right to plead and assert additional defenses which may be revealed during the course of discovery and at trial.

This the 3<sup>rd</sup> day of July 2019.

**JOSHUA H. STEIN**  
**Attorney General**

/s/Orlando L. Rodriguez  
Orlando L. Rodriguez  
Assistant Attorney General  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this date I electronically filed the foregoing **DEFENDANT GRAINGER'S ANSWER AND DEFENSES** with the Clerk of the Court using the CM/ECF system, which provides notice to counsel of record as follows:

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Partners, Inc., and Christina M. Driver*

This the 3<sup>rd</sup> day of July 2019.

/s/Orlando L. Rodriguez  
Orlando L. Rodriguez  
Assistant Attorney General